

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.  
121027-0087

In Re Application Of: **Yoshitaka MISHIMA and Miyuki IKEDA**

| Application No. | Filing Date | Examiner           | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|--------------------|--------------|----------------|------------------|
| 10/016,411      | 12/10/2001  | Catherine ANDERSON | 35684        | 3761           | 8643             |

Invention:

**DISPOSABLE UNDERGARMENT**

**COMMISSIONER FOR PATENTS:**

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of  
05/04/2004 in the above-identified application.  
*Date*

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 05/04/2004 finally rejecting Claim(s) 1-5 and 7

Applicant(s) hereby request(s) an extension of time of (check desired time period):

One month       Two months       Three months       Four months       Five months

from: 08/04/2004      until: 11/04/2004  
*Date*      *Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$340.00

Fee for Extension of Time: \$980.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$1,320.00**

The fee for the Notice of Appeal and extension of time is to be paid as follows:

A check in the amount of \_\_\_\_\_ for the Notice of Appeal and extension of time is enclosed.

Please charge Deposit Account No. 12-2136 in the amount of \$1,320.00

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-2136

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.

Payment by credit card. Form PTO-2038 is attached.

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BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.  
121027-0087

In Re Application Of: **Yoshitaka MISHIMA and Miyuki IKEDA**

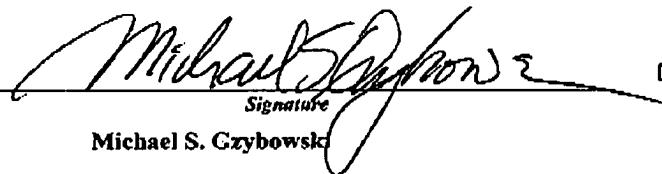
| Application No. | Filing Date | Examiner           | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|--------------------|--------------|----------------|------------------|
| 10/016,411      | 12/10/2001  | Catherine ANDERSON | 35684        | 3761           | 8643             |

Invention:

**DISPOSABLE UNDERGARMENT**

**TO THE COMMISSIONER FOR PATENTS:**

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

  
\_\_\_\_\_  
Signature  
Michael S. Gzybowski

Dated: 11/04/2004

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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office  
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Marilynn M. Peterson

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a) on

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$1,320.00

## Complete if Known

|                      |                                    |
|----------------------|------------------------------------|
| Application Number   | 10/016/411                         |
| Filing Date          | 12/10/2001                         |
| First Named Inventor | Yoshitaka MISHIMA and Miyuki IKEDA |
| Examiner Name        | Catherine ANDERSON                 |
| Art Unit             | 3761                               |
| Attorney Docket No.  | 121027-0087                        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None Deposit Account:Deposit Account Number **12-2136**Deposit Account Name **BUTZEL, LONG**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity   | Small Entity  | Fee Description  | Fee Paid |
|--|---------------|--|----------|
| Fee Code (\$)  | Fee Code (\$) | Fee Description  |          |
| 1051 130   | 2051 65       | Surcharge - late filing fee or oath                        |          |
| 1052 50  | 2052 25       | Surcharge - late provisional filing fee or cover sheet     |          |
| 1053 130   | 1053 130      | Non - English specification                                |          |
| 1812 2,520   | 1812 2,520    | For filing a request for ex parte reexamination            |          |
| 1804 920*  | 1804 920*     | Requesting publication of SIR prior to Examiner action     |          |
| 1805 1,840*  | 1805 1,840*   | Requesting publication of SIR after Examiner action        |          |
| 1251 110   | 2251 55       | Extension for reply within first month                     |          |
| 1252 430   | 2252 215      | Extension for reply within second month                    |          |
| 1253 980   | 2253 490      | Extension for reply within third month                     | 980.00   |
| 1254 1,530   | 2254 765      | Extension for reply within fourth month                    |          |
| 1255 2,080   | 2255 1,040    | Extension for reply within fifth month                     |          |
| 1401 340   | 2401 170      | Notice of Appeal   | 340.00   |
| 1402 340   | 2402 170      | Filing a brief in support of an appeal                     |          |
| 1403 300   | 2403 150      | Request for oral hearing                                   |          |
| 1451 1,510   | 1451 1,510    | Petition to institute a public use proceeding              |          |
| 1452 110   | 2452 55       | Petition to revive - unavoidable                           |          |
| 1453 1,370   | 2453 685      | Petition to revive - unintentional                         |          |
| 1501 1,370   | 2501 685      | Utility issue fee (or reissue)                             |          |
| 1502 490   | 2502 245      | Design issue fee   |          |
| 1503 680   | 2503 330      | Plant issue fee  |          |
| Total Claims <input type="checkbox"/> -20** = <input type="checkbox"/> 0 X <input type="checkbox"/> = <input type="checkbox"/> 0.00      |               |  |          |
| Independent Claims <input type="checkbox"/> -3** = <input type="checkbox"/> 0 X <input type="checkbox"/> = <input type="checkbox"/> 0.00 |               |  |          |
| Multiple Dependent: <input type="checkbox"/> = <input type="checkbox"/> 0.00   |               |  |          |
| Fee Description  |               |  |          |
| 1202 18  | 2202 9        | Claims in excess of 20                                     |          |
| 1201 88  | 2201 44       | Independent claims in excess of 3                          |          |
| 1203 300   | 2203 150      | Multiple dependent claim, if not paid                      |          |
| 1204 88  | 2204 44       | ** Reissue independent claims over original patent         |          |
| 1205 18  | 2205 9        | ** Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) (\$)  | \$0.00        |  |          |
| Other fee (specify)  |               |  |          |

\*or number previously paid, if greater. For Reissues, see above

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

\$1,320.00

## SUBMITTED BY

|                   |   |                                      |        |            |              |
|-------------------|---|--------------------------------------|--------|------------|--------------|
| Name (Print/Type) | Michael S. Gajewski   | Registration No.<br>(Attorney/Agent) | 33,816 | Telephone  | 734.995.3110 |
| Signature         |  |                                      | Date   | 11/04/2004 |              |

## Complete if Known

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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